



**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator and/or Planning Division staff for the week ending May 5, 2017.

**COMMUNITY DEVELOPMENT DIRECTOR
OR PLANNING DIVISION STAFF ACTIONS**
(Non-Hearing Items)

Item 1: Curci Grade Determination - Staff Approval No. SA2017-003 (PA2017-083)
Site Address: 225 Via Lido Soud

Action: Approved

Council District 1

APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

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REVISED **COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER**

APPLICATION: Staff Approval No. SA2017-003 (PA2017-083)
Curci Grade Determination

APPLICANT: Tim Johnson, TJ Consulting

LOCATION: 225 Via Lido Soud

LEGAL DESCRIPTION Lot 895 and Portions of Lot 894 and 896, Tract 907

On **May 5, 2017**, the Community Development Director approved the establishment of an alternate grade of 13.25 NAVD88 for the purpose of measuring the height of accessory structures and fences within the ten-foot front yard setback. The alternate grade is based on the topography of the subject property and the adjoining properties (Refer to Exhibit A). The property is located in the R-1 (Single-Unit Residential) Zone.

Section 20.30.050 Establishment of Grade by Director

If the Director finds that the existing grade on the subject lot has been previously altered (e.g., contains retaining structures, property line walls, planters, or excavation/fill), or other conditions are present to the degree that the existing grade is not representative of the prevailing grades on adjoining lots and/or the general area and, therefore, is not appropriate for the purpose of establishing the grade of the subject lot, the Director may establish the grade that is reasonable and comparable with the grades of adjoining lots and that will not be detrimental or injurious to property and improvements on adjoining lots.

The Planning Director's Staff Approval is based on the following findings and conditions.

Finding:

- A. The existing grade on the subject lot has been previously altered (e.g., contains retaining structures, property line walls, planters, or excavation/fill), or other conditions are present to the degree that the existing grade is not representative of the prevailing grades on adjoining lots and/or the general area and, therefore, is not appropriate for the purpose of establishing the grade of the subject lot.

Facts in Support of Finding:

- A-1. The applicant is proposing to redevelop the property with a new single-unit dwelling; however, the patio grade along the front setback area (waterfront) is not representative of the prevailing grades on the two adjoining properties. This grade differential creates design constraints and unfairly restricts the heights of accessory structures below those of the neighboring properties. The proposed alternate grade plane will elevate the patio to an elevation consistent with the adjoining properties.
- A-2. The subject property is currently developed with a patio elevation of approximately 11.6 feet NAVD88. This patio elevation is approximately 1.7 feet lower than the property to the south (229 Via Lido Soud; 13.3 NAVD88) and approximately 1.6 feet lower than the property to the north (221 Via Lido Soud; 13.2 NAVD88) and, therefore, not appropriate for the purposes of measuring height of the accessory structures.

Finding:

- B. The grade is reasonable and comparable with the grades of adjoining lots and will not be detrimental or injurious to property and improvements on adjoining lots.

Facts in Support of Finding:

- B-1. Allowing a higher grade of ~~44.25~~**13.25** feet NAVD88 would provide the property with a grade elevation that is compatible with those of the neighboring properties and equitable for the purposes of measuring heights of accessory structures within the front setback.

CONDITIONS

1. The grade for the purposes of measuring height of accessory structures authorized by this determination shall be based on existing grade prior to construction or alternate grade of ~~44.25~~**13.25** NAVD88, whichever is greater.
2. A copy of this action letter, including the findings and conditions, shall be copied onto the building plans.
3. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Curci Grade Determination including, but not limited to, the SA2017-003 (PA2017-083). This indemnification shall include, but not be limited to, damages awarded

against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

On behalf of Kimberly Brandt, AICP, Community Development Director

By:



Jaime Murillo
Senior Planner
JM

Attachments: CD 1 Vicinity Map
CD 2 Photos
CD 3 Plans

Attachment No. CD 1

Vicinity Map

VICINITY MAP



Staff Approval No. SA2017-003
PA2017-083

225 Via Lido Soud

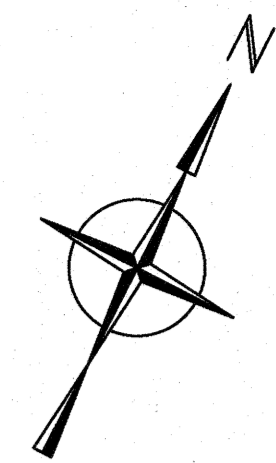
Attachment No. CD 2

Photos



Attachment No. CD 3

Plans

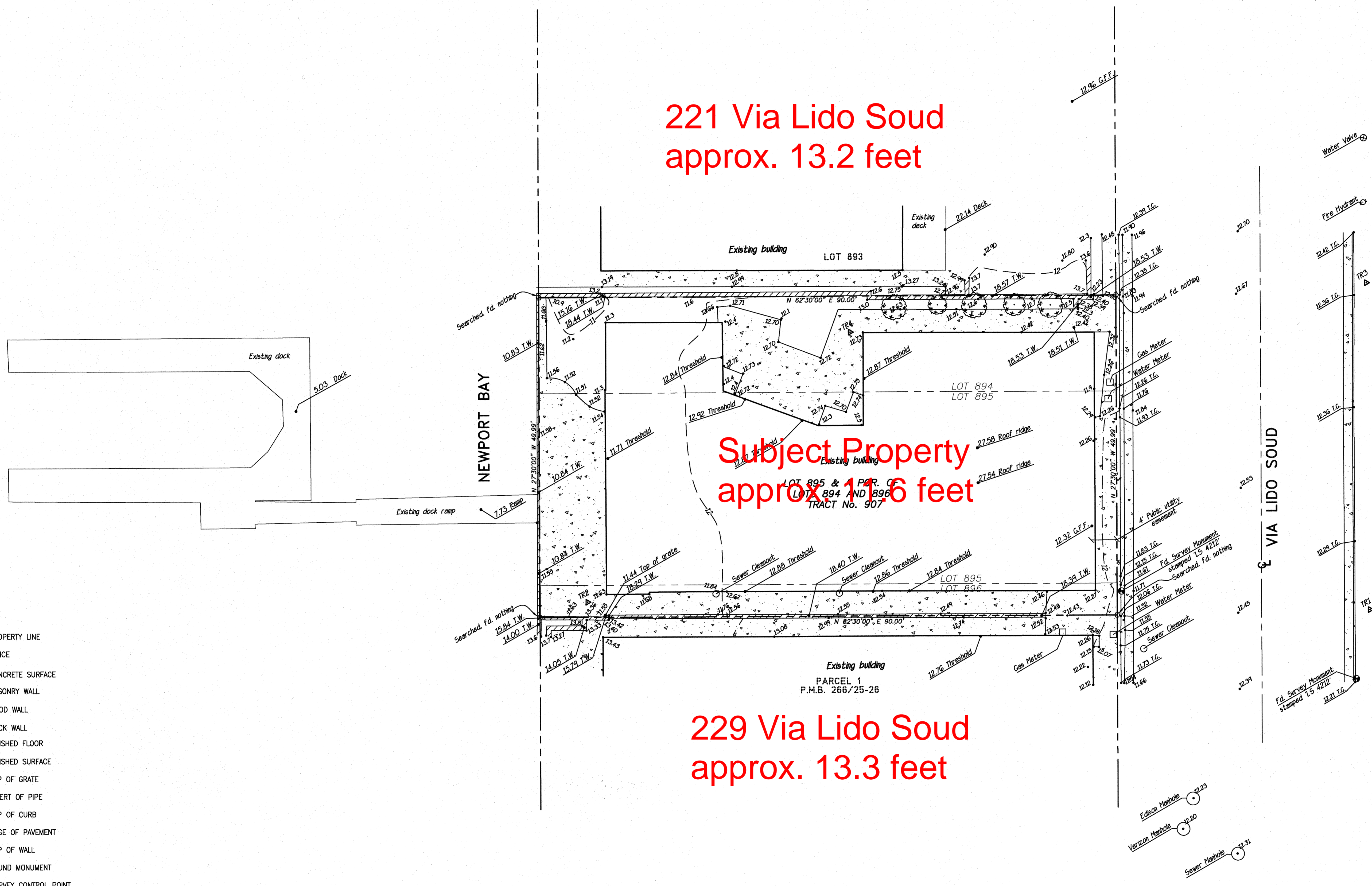


SCALE: 1/8"=1'

221 Via Lido Soud
approx. 13.2 feet

Subject Property
approx. 11.6 feet

229 Via Lido Soud
approx. 13.3 feet



LEGEND

---	PROPERTY LINE
-X-X-	FENCE
▨	CONCRETE SURFACE
▩	MASONRY WALL
▧	WOOD WALL
▦	ROCK WALL
FF	FINISHED FLOOR
FS	FINISHED SURFACE
TC	TOP OF GRATE
INV	INVERT OF PIPE
TC	TOP OF CURB
EP	EDGE OF PAVEMENT
TW	TOP OF WALL
●	FOUND MONUMENT
▲	SURVEY CONTROL POINT

BENCHMARK NOTE:
OCSBM NB3-18-88
ELEV=18.435
NAVD88 DATUM, 1992 ADJ.

EASEMENT NOTE:
THE PLAT FOR THIS SURVEY WAS PREPARED WITHOUT A TITLE REPORT.
UNPLOTTED EASEMENTS MAY EXIST ON THE SUBJECT PROPERTY.

1 A 4' EASEMENT FOR PUBLIC UTILITY PURPOSES AS SHOWN ON A MAP OF TRACT 907, M.M. 28/25-36.

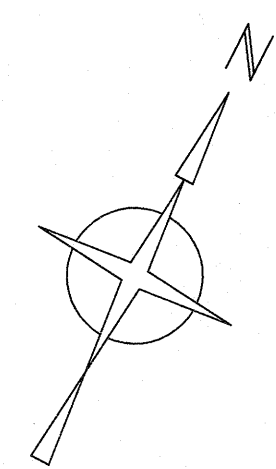


Viktor P. Meum
10-13-2015
LS 8682

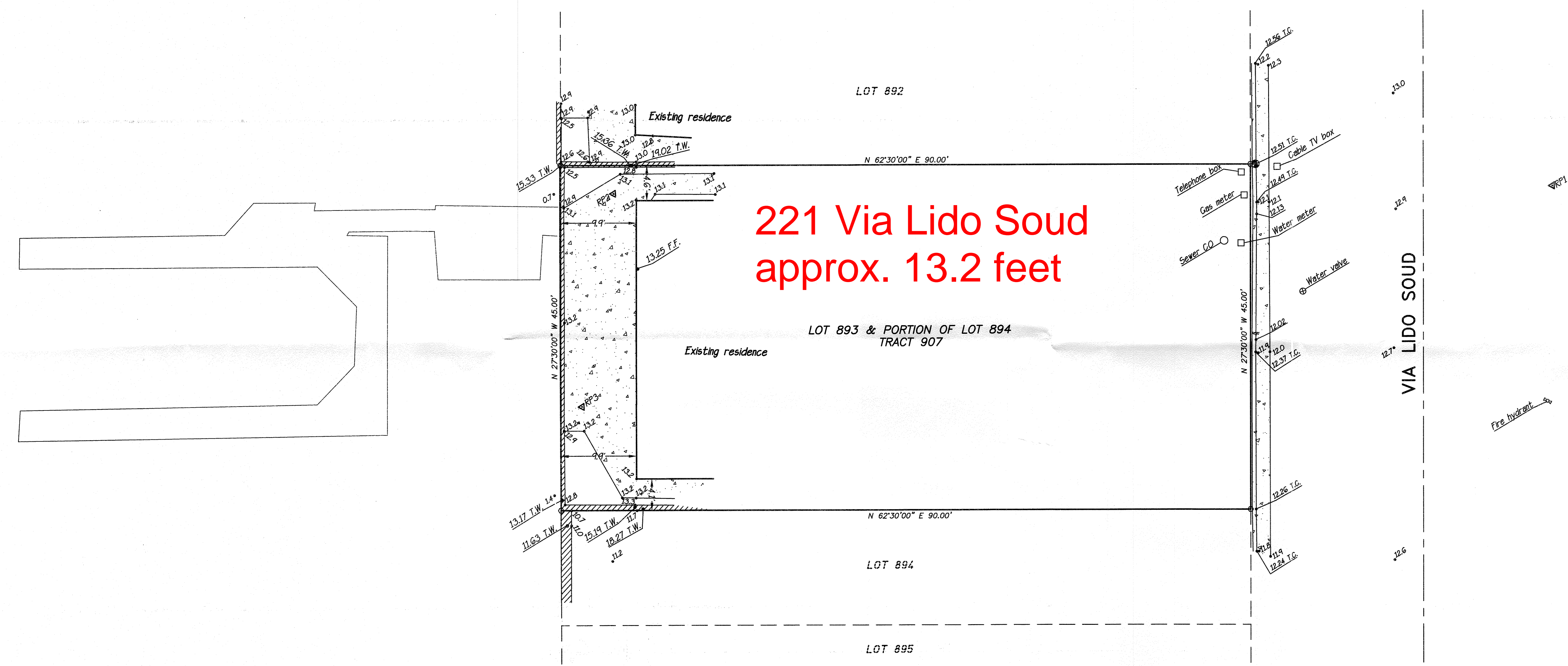
TOPOGRAPHIC & BOUNDARY SURVEY
LOT 895 AND THE SE 1/4 15 FEET OF LOT 894 AND THE NW 1/4 LOT 896 OF TRACT NO. 907, M.M. 28/25-36
5 FEET OF LOT 896 OF TRACT NO. 907, M.M. 28/25-36
225 VIA LIDO SOUD, NEWPORT BEACH, CA
PREPARED FOR: THE JANET CURCI FAMILY TRUST

H. SCALE:	DATE:	DR. FILE:	APD.:
1/8"=1'	6-2-15		
V. SCALE:	DATE OF SURVEY:	DR. FILE:	APD.:
N/A	5-28-15		

TOAL ENGINEERING, INC.
Civil Engineers and Land Surveyors
139 Avenida Novate, San Clemente, Calif. 92672
Ph: 949-492-8586 Fax: 949-498-8625



SCALE: 1/8"=1'



BENCHMARK NOTE:
O.C.S. BM: NB3-17-77, ELEVATION=24.503' NAVD 88 DATUM

EASEMENT NOTE:
THE PLAT FOR THIS SURVEY WAS PREPARED WITHOUT A TITLE REPORT.
UNPLOTTED EASEMENTS MAY EXIST ON THE SUBJECT PROPERTY.

BOUNDARY NOTE:
THIS IS NOT A BOUNDARY SURVEY. THE TOPOGRAPHIC FEATURES AS SHOWN
ON THIS MAP MAY BE ADJUSTED RELATIVE TO THE PLAT UPON COMPLETION
OF A BOUNDARY SURVEY

Olav S. Meum
Olav S. Meum LS 4384

LOCATION SURVEY
LOT 893 & PORTION OF LOT 894, TRACT 907
221 VIA LIDO SOUD, NEWPORT BEACH, CALIFORNIA
PREPARED FOR DAVID & BARBARA CLINE

H. SCALE: 1/8"=1'	DATE: 7/2/07
V. SCALE: N/A	DRN: D.B.
DATE OF SURVEY: 6/21/07	CHD: M.S.F.
DR. FILE: -	APPD: O.M.
DATE	DATE
APVD	DATE
BY	DATE

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